
CAPTION HEADING

DO NOT REMOVE

ORDINANCE NO. 39-11 – Amending Previously Adopted Development Impact Fee
Schedules and Amending the Buckeye Town Code, Chapter 18 Relating to Necessary
Changes to Development Fees

ORDINANCE NO. 39-11

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF BUCKEYE, ARIZONA, AMENDING PREVIOUSLY ADOPTED DEVELOPMENT IMPACT FEE SCHEDULES AND AMENDING THE BUCKEYE TOWN CODE, CHAPTER 18, RELATING TO NECESSARY CHANGES TO DEVELOPMENT FEES; AND DECLARING AN EMERGENCY.

WHEREAS, the Town of Buckeye (the "Town") received two reports from Red Oak Consulting entitled "Utility Development Fees – Water, Wastewater, Water Resources and Reclaimed Water – Final June 2009" and "Non-Utility Development Fees – Library, Park, Police, Fire and General Government – Final June 2009" (collectively, the "Development Fee Study") containing the studies and analysis required by ARIZ. REV. STAT. § 9-463.05 for the adoption of new development impact fees for water resources and reclaimed water and adjusted development impact fees for water, sewer, police, fire and emergency medical services, general government, parks and recreation, and library; and

WHEREAS, the Development Fee Study contained the determination by the Mayor and Town Council (the "Town Council") of which capital improvements were "necessary public services" for the purpose of the State of Arizona's development impact fee statutes, which, for the Town included, among other items, libraries, parks, general government facilities, streets, police, fire/EMS, water, water resources, wastewater and reclaimed water; and

WHEREAS, the Development Fee Study was based upon the capital improvement needs of the Town as set forth in the Town's Infrastructure Improvements Plan as required by ARIZ. REV. STAT. § 9-463.05 (the "Development Impact Fee Statutes"); and

WHEREAS, in accordance with the Development Fee Study and the Development Impact Fee Statutes, the Town Council adopted Ordinance No. 20-09 on August 18, 2009, which included a schedule of development impact fees for the Town (the "2009 Impact Fee Schedule"); and

WHEREAS, Senate Bill 1525, approved by the Fiftieth Arizona Legislature, First Regular Session, on April 19, 2011 and signed into law by the Governor on April 26, 2011 ("SB 1525"), included changes to the Development Impact Fee Statutes. Contained within these changes was a definition of "necessary public services" that specifically excluded items from being necessary public services, including parks over 30 acres in size (unless such parks provide a direct benefit to the development), lakes, community/recreation centers of more than 3,000 square feet, libraries that do not provide a direct benefit to development or which are over 10,000 square feet, library books and furnishings, multi-station fire/police training facilities, aircraft and fire and public safety administrative vehicles and equipment (the "Excluded Uses"); and

WHEREAS, the changes to the Development Impact Fee Statutes in SB 1525 provide limitations in assessing and collecting development impact fees for certain Excluded Uses, or portions thereof; and

WHEREAS, SB 1525 also allows a development impact fee adopted before January 1, 2012, to continue to be assessed to the extent that it will be used to provide a necessary public service for which such fee can be assessed pursuant to SB 1525, and the Town may assess and use development impact fees in accordance with SB 1525; and

WHEREAS, the Town Council has determined that the Town's General Government Development Impact Fee may no longer be collected as of January 1, 2012, and the remainder of the Town development impact fees are permitted to be collected after January 1, 2012, subject to certain modifications to account for Excluded Uses; and

WHEREAS, the Town Council has received that certain document entitled 2011 Development Impact Fee Update, dated December 2011 (the "Interim Fee Update") setting forth the methodology and calculation of the portions of development impact fees contained in the 2009 Impact Fee Schedule that are related to Excluded Uses; and

WHEREAS, the Town Council finds and determines that the reduced development impact fees set forth in the Interim Fee Update are reasonable and in conformance with the requirements of SB 1525; and

WHEREAS, the Town Council desires to amend Chapter 18 of the Town Code relating to implementation of development impact fees.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Buckeye, Arizona, as follows:

Section 1. The recitals above are hereby incorporated as if fully set forth herein.

Section 2. The Buckeye Town Code, Chapter 18 (Development Fees) Section 18-2 (Annual Development Impact Fee Adjustment) is hereby deleted in its entirety and reserved for future use.

Section 3. Effective January 1, 2012, the 2009 Impact Fee Schedule is hereby amended to reflect the adjustments detailed in the Interim Fee Update, as more specifically set forth in Exhibit A, attached hereto and incorporated herein by reference.

Section 4. The immediate operation of this Ordinance is necessary for the preservation of the public health and welfare, particularly to be able to continue to collect development impact fees in conformance with SB 1525 without interruption to Town services and use such monies to pay for the capital needs of the Town on the most economic basis, and an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval by the Town Council as required by law, and it is hereby exempt from the referendum provisions of the Town Code and the Constitution and laws of the State of Arizona.

Section 5. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed

separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 6. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED and ADOPTED by the Mayor and Town Council of the Town of Buckeye, Arizona this 6th day of December, 2011.


Jackie A. Meek, Mayor

ATTEST:


Lucinda J. Aja, Town Clerk

APPROVED AS TO FORM:


Scott W. Ruby, Town Attorney

**EXHIBIT A
TO
ORDINANCE NO. 39-11**

[Revised Development Impact Fee Schedule]

See following pages.

Water, Wastewater, Water Resources, and Reclaimed Water Development Fees¹

¹ Zone 4 and Zone 5 do not have any utility infrastructure planned for the period covered by the June 2009 Development Fee Study and, therefore, no water, wastewater, water resources or reclaimed water fees have been assessed. Prior to any new construction in Zone 4 and Zone 5 requiring utility infrastructure, a revised infrastructure improvements plan and development fee study will be required to be established the appropriate fee for each.

Zone 1

All Development Meter Size/Type (inches)	Water	Wastewater	Water Resources	Reclaimed Water	Total
1.0 or less (all types)	\$3,395	\$4,042	\$294	\$127	\$7,858
1.5 Displacement	4,243	5,053	370	160	9,826
2.0 Displacement	8,487	10,105	740	320	19,652
2.0 Comp or Turb.	13,579	16,169	1,180	510	31,438
3.0 Compound	27,158	32,338	2,350	1,020	62,866
3.0 Turbine	29,704	35,369	2,570	1,110	68,754
4.0 Compound	42,435	50,527	3,680	1,590	98,232
4.0 Turbine	50,922	60,633	4,410	1,910	117,875
6.0 Compound	84,870	101,055	7,350	3,180	196,454
6.0 Turbine	106,087	126,319	9,190	3,970	245,566
8.0 Compound	135,791	161,688	11,760	5,080	314,319
8.0 Turbine	152,765	181,899	13,230	5,720	353,614

Zone 2

All Development Meter Size/Type (inches)	Water	Wastewater	Water Resources	Reclaimed Water	Total
1.0 or less (all types)	\$2,280	\$5,861	\$294	\$127	\$8,562
1.5 Displacement	2,850	7,326	370	160	10,706
2.0 Displacement	5,700	14,652	740	320	21,412
2.0 Comp or Turb.	9,121	23,443	1,180	510	34,253
3.0 Compound	18,241	46,886	2,350	1,020	68,497
3.0 Turbine	19,951	51,281	2,570	1,110	74,913
4.0 Compound	28,502	73,259	3,680	1,590	107,031
4.0 Turbine	34,202	87,911	4,410	1,910	128,433
6.0 Compound	57,004	146,518	7,350	3,180	214,051
6.0 Turbine	71,254	183,147	9,190	3,970	267,562
8.0 Compound	91,206	234,429	11,760	5,080	342,474
8.0 Turbine	102,606	263,732	13,230	5,720	385,289

Zone 3

All Development Meter Size/Type (inches)	Water	Wastewater	Water Resources	Reclaimed Water	Total
1.0 or less (all types)	\$4,472	\$4,313	\$294	\$127	\$9,206
1.5 Displacement	5,590	5,391	370	160	11,511
2.0 Displacement	11,180	10,782	740	320	23,022
2.0 Comp or Turb.	17,888	17,252	1,180	510	36,829
3.0 Compound	35,775	34,504	2,350	1,020	73,649
3.0 Turbine	39,129	37,738	2,570	1,110	80,547
4.0 Compound	55,898	53,912	3,680	1,590	115,081
4.0 Turbine	67,078	64,695	4,410	1,910	138,093
6.0 Compound	111,797	107,824	7,350	3,180	230,151
6.0 Turbine	139,746	134,780	9,190	3,970	287,686
8.0 Compound	178,875	172,519	11,760	5,080	368,234
8.0 Turbine	201,235	194,084	13,230	5,720	414,268

Non-Utility Development Fees – Library, Park, Police, Fire, and General Government All Zones

Residential (per unit)	Parks & Recreation	Library	Police	Fire/EMS	Streets	General Government	Total
Single Family Detached	\$1,109	\$165	\$506	\$1,178	\$246	\$0	\$3,204
All other Housing Types	\$832	\$124	\$380	\$884	\$124	\$0	\$2,344
Nonresidential (per 1,000 sf)							
Com / Shop Ctr 25,000 SF or less	NA	NA	\$592	\$1,378	\$1,619	\$0	\$3,589
Com / Shop Ctr 25,001- 50,000 SF	NA	NA	\$592	\$1,378	\$1,501	\$0	\$3,471
Com / Shop Ctr 50,001- 100,000 SF	NA	NA	\$592	\$1,378	\$1,314	\$0	\$3,284
Com / Shop Ctr 100,001- 200,000 SF	NA	NA	\$592	\$1,378	\$1,137	\$0	\$3,107
Com / Shop Ctr over 200,000 SF	NA	NA	\$592	\$1,378	\$976	\$0	\$2,946
Office / Inst 10,000 SF or less	NA	NA	\$592	\$1,378	\$756	\$0	\$2,726
Office / Inst 10,001-25,000 SF	NA	NA	\$592	\$1,378	\$612	\$0	\$2,582
Office / Inst 25,001-50,000 SF	NA	NA	\$592	\$1,378	\$522	\$0	\$2,492
Office / Inst 50,001-100,000 SF	NA	NA	\$592	\$1,378	\$445	\$0	\$2,415
Office / Inst over 100,000 SF	NA	NA	\$592	\$1,378	\$379	\$0	\$2,349
Business Park	NA	NA	\$592	\$1,378	\$425	\$0	\$2,395
Light Industrial	NA	NA	\$415	\$965	\$232	\$0	\$1,612
Warehouse	NA	NA	\$415	\$965	\$165	\$0	\$1,545
Manufacturing	NA	NA	\$415	\$965	\$127	\$0	\$1,507